



City of Seattle

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3010891

**Applicant Name:** Bill Bertch for Janet Amberg

**Address of Proposal:** 108 NE 51<sup>st</sup> St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow an expansion (1,369 sq. ft.) to an existing duplex. Project includes demolition of the existing wood frame basement foundation and a new 9 ft. tall concrete basement and foundation. The top two floors are to remain.

The following approvals are required:

**Special Exception-** to allow an expansion greater than 500 sq. ft. to an existing non-conforming use (duplex) in a SF zone 23.42.106.B.4

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

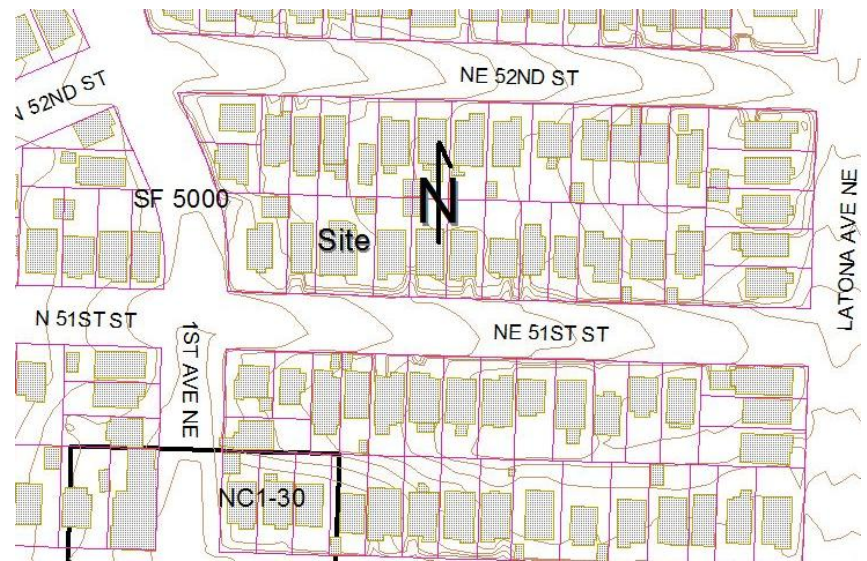
☐ DNS involving non-exempt grading, or demolition,  
or another agency with jurisdiction.

**Site Description**

The site is located on the north side of NE 51<sup>st</sup> Street between 1<sup>st</sup> Ave NE and Latona Ave NE in the area bordered by the Wallingford and Green Lake neighborhoods. The site is approximately 6,119 square feet and slopes from north to south with a high bank condition adjacent to NE 51<sup>st</sup> St. There are no environmentally critical areas at this site.

The site is zoned Single Family Residential (SF 5000). Neighborhood Commercial (NC1-30), is located to the southwest. All other properties nearby are all zoned Single Family Residential.

The site is currently occupied by a two story duplex. The structures was converted to a duplex from a single family residence by permit in 1922. The duplex use is therefore legally nonconforming use in this zone.



Nearby uses include primarily single family detached residences with some commercial near NE 50<sup>th</sup> Street.

### Proposal Description

The proposal is to excavate the existing crawlspace to create a basement area with an exterior entry door and windows at the south façade and a basement window well at the east façade. The proposal also includes modification of the front entry porch for the eastern residential unit. The new unfinished basement area would be 1,369 square feet in size. The proposed modifications to the front entry at the main floor would not be visible from the street due to the covered and partially enclosed front porch.

The proposal includes excavation of the property near the south (street-facing) façade of the existing building.

### Public Comments

The public notice was issued on December 10, 2009. There were two comment letters with concerns about possible excavation beyond the property lines to either side of the site.

### ANALYSIS-SPECIAL EXCEPTION

Section 23.42.106 of the Seattle Municipal Code limits the expansion of legally nonconforming uses. SMC 23.42.106.B allows expansion of residential nonconforming uses in single family zones. Larger expansions may be allowed with a Special Exception Master Use Permit. The

decision to permit, condition or deny an increase in size is based upon an assessment of the following factors (SMC 23.42.106.B):

*4. An expansion greater than five hundred (500) square feet of gross floor area and/or exceeding the average height of the closest principal structures on either side may be approved by DPD through a special exception, Type II Master Use Permit, if the proposed expansion meets the development standards for single-family construction and is compatible with surrounding development in terms of:*

The proposed expansion has been reviewed by DPD and determined to meet single family development standards.

*a. Architectural character;*

The proposed expansion would include excavation to create a usable basement area. There are no proposed exterior additions to the existing first or second stories of the existing building. The proposed modification to the front entry at the existing first story of the building would not be visible from the street because of the covered partially enclosed front porch. Due to the high bank front yard, the new basement would be visible from the street. The proposed window well would be the only part of the addition visible from the adjacent property to the east. The basement addition would not be visible from adjacent neighboring properties to the north and west.

The high bank condition at this lot is a common condition in the area. Several nearby single family residential structures include lower level excavation with garages or basements visible from the street.

The proposed addition would retain the architectural character of the existing duplex residence, and would be compatible with the architectural character of nearby similar single family residences.

*b. Existing streetscape and pattern of yards; and*

The proposed basement addition would not involve expansion of the footprint into existing side, front, or rear yards. The appearance of the street facing façade would change due to excavation, but the change would be compatible with nearby development of other high bank lots.

*c. Scale and proportion of principal structures.*

The proposed basement expansion would be located within the footprint of the existing structure and would be primarily visible only from the street. The high bank condition and street facing excavation would be consistent with other nearby single family residences, as described above.

The proposed expansion is compatible with surrounding development in terms of the scale and proportion of principal structures.

**DECISION-SPECIAL EXCEPTION**

This Special Exception is **GRANTED**.

**CONDITIONS**

**None.**

Signature: \_\_\_\_\_ (signature on file) Date: April 22, 2010  
Shelley Bolser, Senior Land Use Planner, AICP, LEED AP  
Department of Planning and Development

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